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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,714	01/18/2001	Sidney M. Baker	2761.100	1589

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EXAMINER

FRENEL, VANEL

ART UNIT PAPER NUMBER

3626

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,714

Applicant(s)

BAKER ET AL.

Examiner

Vanel Frenel

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Amendment filed on 10/06/05. Claims 1, 2, 7, 9, 10, 12, 13, 15 have been amended. Claim 8 has been cancelled. Claims 1-7, and 9-18 are pending.

Claim Objections

2. Claim 1 is objected to because of the following informalities: Applicant has been inadvertently written that claim 1 is in original state. However, this claim has been amended. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 and 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pattichis (Neural Network Models in EMG Diagnosis; May 5, 1995) and Gulati (6,780,589) as applied in the prior Office Action, and further in view of Cook (6,804,661).
(A) Claim 1 has been amended to recite the limitation of "wherein the system described is the comprehensive medical state of a human being".

Pattichis and Gulati do not explicitly disclose "wherein the system described is the comprehensive medical state of a human being".

However, this feature is known in the art, as evidenced by Cook. In particular, Cook suggests "wherein the system described is the comprehensive medical state of a human being" (See Cook, Col.22, lines 1-67 to Col.23, line 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Cook within the system of Pattichis and Gulati with the motivation of providing a method for improving drug modeling for evaluating the benefits of drugs and side-effect predication in relation to an observed entity (e.g., human or animal) (See Cook, Col.3, lines 8-11).

(B) Claim 2 has been amended to recite the limitation of "automated interactive inquirer obtains the data by dynamically posing a plurality of questions to a user" (See Cook, Col.17, lines 1-30).

(C) Claim 7 has been amended to recite the limitation of "human being's comprehensive medical state", storing a representation of said description in a database", "states", "states" and "human being's medical condition".

Pattichis and Gulati do not explicitly disclose "human being's comprehensive medical state", storing a representation of said description in a database", "states", "states" and "human being's medical condition".

However, this feature is known in the art, as evidenced by Cook. In particular, Cook suggests "human being's comprehensive medical state", storing a representation of said description in a database", "states", "states" and "human being's medical condition" (See Cook, Col.18, lines 8-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Cook within the system of Pattichis and Gulati with the motivation of providing a method for improving drug modeling for evaluating the benefits of drugs and side-effect predication in relation to an observed entity (e.g., human or animal) (See Cook, Col.3, lines 8-11).

(E) Claims 9, 10 and 12 have been amended to include the limitation of "states". However, this changes does not affect the scope and the breadth of the claims as originally presented /or in a manner in which were interpreted by the Examiner when applying prior art within the previous Office Action. As such, these claims are rejected under the same reasons given in the prior Office Action, and incorporated herein.

(F) Claim 13 has been amended to recite the limitation of "comprehensive", "being's medical state" and "wherein at least one of said articulating and mapping is performed by, or with the assistance of, a computer system".

Pattichis and Gulati do not explicitly disclose "comprehensive", "being's medical state" and "wherein at least one of said articulating and mapping is performed by, or with the assistance of, a computer system".

However, this feature is known in the art, as evidenced by Cook. In particular, Cook suggests “comprehensive”, “being’s medical state” and “wherein at least one of said articulating and mapping is performed by, or with the assistance of, a computer system”(See Cook, Col.22, lines 32-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Cook within the system of Pattichis and Gulati with the motivation of providing a method for improving drug modeling for evaluating the benefits of drugs and side-effect predication in relation to an observed entity (e.g., human or animal) (See Cook, Col.3, lines 8-11).

(G) Claim 15 has been amended to recite the limitation of “wherein said encoding is implemented by, or with the assistance of, a computer program in response to data supplied by a user interacting with a computer program”.

Pattichis and Gulati do not explicitly disclose “wherein said encoding is implemented by, or with the assistance of, a computer program in response to data supplied by a user interacting with a computer program”.

However, this feature is known in the art, as evidenced by Cook. In particular, Cook suggests “wherein said encoding is implemented by, or with the assistance of, a computer program in response to data supplied by a user interacting with a computer program” (See Cook, Col.18, lines 13-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Cook within the system of Pattichis and Gulati

with the motivation of providing a method for improving drug modeling for evaluating the benefits of drugs and side-effect predication in relation to an observed entity (e.g., human or animal) (See Cook, Col.3, lines 8-11).

Response to Arguments

5. Applicant's arguments filed on 10/06/05 with respect to claims 1-7 and 9-18 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but the applied art teaches method of an apparatus for realizing synthetic knowledge processes in devices for useful applications (20050005266).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

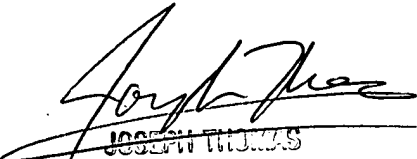
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December 22, 2005


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER